THE HON'BLE MS JUSTICE G.ROHINI

-

WRIT PETITION NO : 15790 of 2005

Dated: 02.11.2005

Between:

Smt.K.Marthamma, w/o Mamidi Ebu,
R/o House No.4-89, Adusumalli Village,

Parchur Mandal, Prakasam District.

..... PETITIONER

AND

Joint Collector, Prakasam District, Ongole,

Prakasam District and others.

.....RESPONDENTS

ORDER:

Heard the learned counsel for the petitioner as well as the learned Government Pleader for Civil Supplies, appearing for the respondents and perused the material on record.

The writ petitioner is the authorized dealer of the fair price shop of Adusumalli village, Parchur Mandal, Prakasam District. By order dated 28.02.2005 passed by the second respondent-Revenue Divisional Officer, Ongole, the authorisation of the petitioner was suspended pending enquiry into certain irregularities alleged to have been committed by her in distribution of the commodities.

It is not in dispute that aggrieved by the said order the petitioner preferred an appeal,

which is pending before the first respondent-Joint Collector, Prakasam District. This writ petition has been filed by the petitioner aggrieved by the action of the first respondent/appellate authority in not granting any interim order pending the statutory appeal on his file.

This Court, while directing Rule Nisi, by order dated 08.08.2005, granted interim suspension of the order of suspension dated 28.02.2005.

Learned counsel for the petitioner submits that by virtue of the said order the petitioner is being continued as the fair price shop dealer as of today.

Detailed counter-affidavits have been filed on behalf of respondents 1 to 3 denying the allegations made by the petitioner. The Mandal Revenue Officer, Parchur, who has been impleaded by name as respondent No.4, has also filed a separate counter-affidavit denying the allegations of malice against him.

Be that as it may, since the statutory appeal is pending before the first respondent, I am of the view that it is not necessary for this Court to go into the correctness of the allegations made against the petitioner while passing the order of suspension dated 28.02.2005. It is for the first respondent to consider the same and pass appropriate orders in accordance with law.

In the circumstances, without expressing any opinion on merits, I deem it appropriate to dispose of the writ petition with a direction to the first respondent to dispose of the appeal pending on his file, as expeditiously as possible, preferably within a period of four weeks from the date of receipt of this order. Keeping in view the fact that the order of suspension was stayed by this Court on 08.08.2005, it is made clear that the same order shall remain in force till the appeal is decided by the first respondent.

Accordingly, the writ petition is disposed of. No costs.

_____

02.11.2005

sh